

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin Parker on 12 August 2009.

The application has been amended as follows:

Claims 21-35 are cancelled. Thereby, claims 1, 3-6, 8-11, 13-16 and 18-20 should remain pending.

Allowable Subject Matter

2. Claims 1, 3-6, 8-11, 13-16 and 18-20 are allowed.

3. The following is an examiner's statement of reasons for allowance:

Regarding independent claims 1 and 11, in accord with the Remarks submitted 20 July 2009, in particular at 10 paragraphs 1-3, the prior art fails to disclose a device and method, respectively, wherein multi-site ventricular pacing is delivered with an initial pulse to pre-excite a myocardial region and thereby reduce ventricular wall stress, and further wherein the multi-site ventricular pacing is delivered in conjunction with parasympathetic stimulation in such a way that the pacing counteracts the slowing effect of the parasympathetic stimulation so that no slowing of the heart rate occurs. In each of the cited and applied references, it is a disclosed function of the references to either intentionally lower the heart rate, or to prevent heart rate from lowering below an

acceptable minimum, although the latter is not disclosed to include the instance where no drop in heart rate occurs.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Flory whose telephone number is (571) 272-6820. The examiner can normally be reached on M - F 8:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Christopher A. Flory/

11 September 2009

/George Manuel/
Primary Examiner